

# ISLAND COUNTY PROSECUTING ATTORNEY

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### **FOR IMMEDIATE RELEASE**

**TOPIC:** *Media Statement Regarding Receipt of Aaron Reardon Investigation*

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**DATE:** May 9, 2012

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Last Friday my office received an advance copy of the incomplete Washington State Patrol investigation of allegations against Aaron Reardon. I requested a copy before the investigation was completed because I have three murder trials scheduled for July, August and November. I was concerned that if the file was delivered to me shortly before the first of those trials, I would not be able to make a decision in the Reardon case until January. The Reardon file I received contains about 1500 pages of hard copy, and 12,000 pages of supporting documentation.

Until I have reviewed the matter and made a charging decision, I am limited by the Rules of Professional Conduct for lawyers in making public statements about the case. Also, the Bench-Bar-Press Committee's principles counsel against my discussing the case at this stage. The already-published information concerning the allegations against Mr. Reardon far exceeds anything I could say about the case.

It is my understanding that Mr. Reardon has not been interviewed yet, due to his and his attorney's unavailability, and not because of a refusal to answer questions. I know the investigating detectives hope to interview Mr. Reardon at his earliest availability. I do not know when that will be.

Pursuant to RCW 9.94A.411(2)(b), the investigation is incomplete until Mr. Reardon has either been interviewed or made it known that he will not answer police questions about the allegations under investigation. I have provided the relevant portion of RCW 9.94A.411 below.

At this point, since the investigation is incomplete, it is still an open and active investigation, and therefore exempt from production under the Public Disclosure Act. At such time as the file is subject to release, I request that you seek the records from the Washington State Patrol. They are better equipped to handle such a voluminous case. A request to our office would likely take an

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extraordinarily long time to respond to, as each of the 13,500 pages would need to be reviewed for possible redactions to protect personal information (for example social security numbers, credit card numbers, and the like). We do not have a public information officer, and our public records officer is also our office administrator and my legal secretary. Thank you in advance for your understanding of the burden such a request would place on this office.

**RCW 9.94A.411(2)(b)** sets forth the standards for a complete police investigation, necessary before charges could be brought:

...

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.